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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,124	09/17/2003	Daniel Hock	60,130-1869;02MRA0357	4756

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EXAMINER

PUROL, DAVID M

ART UNIT PAPER NUMBER

3634

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/664,124  
Filing Date: September 17, 2003  
Appellant(s): HOCK ET AL.

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Kerrie Laba  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed January 16, 2006 appealing from the Office action mailed May 25, 2005 and the order returning undocketed appeal to the Examiner October 5, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

729,630      MILANS      6-1903

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3,6,9-13,21,22 stand rejected under 35 U.S.C. 102(b) as being clearly anticipated by Milans. Milans discloses a sunshade guide mechanism comprising a guide rail *D,D'*, a sliding carriage *E* having a configuration encompassing edges which are capable of being tilted, a pair of brake members *e*, and a spring *F*.

Claims 4,7,8,14,15,17-20,23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Milans. As to the type of material from which the guide mechanism is constructed from, it is a well settled issue the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art and as such cannot be relied upon for patentability.

**(10) Response to Argument**

The appellant states that the block body *E* of Milan does not include a tilt edge and cannot swivel about a tilt edge. This is not convincing inasmuch as the geometric shape of the sliding carriage *E* of Milans presents numerous edges which are capable of tilting movement due to the resilience of the spring *F* of which is attached to the carriage.

The appellant argues that the block body *E* of Milans is permanently biased by spring *F* against surface *d'* thus the wheels *e* are always biased against the surface *d'* which means that the wheels are not released from a brake surface as set forth in claim 1. This is not convincing for any movement of the curtain stick *A'* against the bias of the

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spring *F* will result in the carriage shifting in the guide rail thereby releasing the wheels from the brake face of the guide rail.

The appellants state that there is no disclosure in *Milans* of the brake face as comprising two side faces of a groove in the guide rail wherein the side faces are disposed obliquely opposite each other. This is not convincing for *Milans* discloses that the guide rails *D, D'* are disposed at an angle to each other, note figure 2 and page 2, lines 1-20.


The appellants argue that *Milans* does not disclose the brake member as comprising a pair of braking cushions arranged on opposite sides of the sliding carriage. This is not convincing for *Milans* discloses the braking members *e* as being on opposite distal end portions of the carriage *E*.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
David Puro  
Primary Examiner  
Art Unit 3634

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Conferees:

Richard Chilcot

Pete Cuomo

Handwritten signatures of Richard Chilcot and Pete Cuomo. The signature for Richard Chilcot is a long, sweeping line that extends to the right. The signature for Pete Cuomo is a more compact, cursive signature.

DMP  
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November 21, 2006